

STERN & MONTANA, LLP  
TRINITY CENTRE  
115 BROADWAY  
NEW YORK, NEW YORK 10006  
—  
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www.stern-montana.com

November 9, 2011

**VIA ECF**

Honorable John Gleeson  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 727S  
Brooklyn, New York 11201

**Re: Allstate Insurance Company, et al. v. Amner Khaimov, et al.**  
**Civil Action No.: 11-CV-2391 (JG)(JMA)**

Dear Judge Gleeson:

We represent Plaintiffs in the above referenced matter and, pursuant to your Honor's Individual Practice Rules, Rule I(D), and Federal Rules of Civil Procedure 4(m) and 6(b), we write to respectfully request a 45-day extension, until December 29, 2011, of the 120-day requirement to serve Plaintiffs' First Amended Complaint. This Court had previously granted Plaintiffs' initial request to extend the time to serve the First Amended Complaint until November 14, 2011. Plaintiffs make this request in advance of the November 14<sup>th</sup> deadline because they have been unable to locate, through diligent efforts, six (6) of the individual defendants (the "Non-served Individual Defendants")<sup>1</sup> who may or may not reside at their last known addresses. For the reasons set forth below, it is respectfully requested that the Court grant Plaintiffs' application so that it may complete service of all of the defendants in this matter.

By way of brief background, Plaintiffs filed their initial Complaint on May 18, 2011 (Docket No. 1). Prior to any defendant answering the complaint or otherwise appearing in the action, Plaintiffs filed their First Amended Complaint on August 3, 2011 (Docket No. 10), pursuant to Rule 15(a) of the Federal Rules of Civil Procedure. Thereafter, the law firm of Blodnick, Conroy, Fazio & Diglio, P.C.

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<sup>1</sup> Those individual defendants include: Robert Terdjanian, Galina Vovk, Oleg Simakov, Sergey Mezcula, Grigol Apresyantsi and Marifat Davlatkhonova.

Cont/d...

STERN &amp; MONTANA, LLP

Honorable John Gleeson  
November 9, 2011  
Page 2

filed notices of appearance on behalf of defendants Yakov Aminov, GNK Medical Supply, Inc., Highlawn Best Medical Supply, Inc., Major Market Merchandise, Inc. and Michael Zavrashin, and the Law Offices of Gary Tsirelman, P.C. filed notices of appearance on behalf of defendants Zoya Aminova, Albert Khaimov, Murdakhay Khaimov, Abraham Layliev, Amner Khaimov, Ilya Tamayeff, Parsons Medical Supply, Inc., Utopia Equipment, Inc., Jamaica Medical Supply, Inc., Queens Medical Supply, Inc., LaPerla Supply, Inc., New Capital Supply, Inc., Grand Medical Supply, Inc., Royal Medical Supply, Inc. and E-Z Supply, Inc.<sup>2</sup> Presently, no other defendants have appeared in the matter.

Since filing the initial and First Amended Complaints, Plaintiffs have been attempting to serve and locate the Non-served Individual Defendants who Plaintiffs have not been able to serve at their last known addresses, notwithstanding numerous attempts that have been made by Plaintiffs' process server. Copies of affidavits of attempted service are annexed hereto as Exhibit "A." In addition, Plaintiffs have undertaken further investigative efforts to locate, establish and/or confirm the residences of the Non-served Individual Defendants to effectuate service, including but not limited to retaining an investigator to ascertain the Defendants' last known addresses. Moreover, with respect to Defendants Terdjanian and Vovk, Plaintiffs have contacted the United States Attorney prosecuting the criminal matter against those defendants and criminal defense counsel in an attempt to locate their current addresses. In that regard, Plaintiffs were contacted within the last few days by criminal defense counsel for Terdjanian and were informed that Terdjanian is currently housed in the Metropolitan Detention Center in Brooklyn, New York, and Plaintiffs are in the process of making arrangements to serve him there.<sup>3</sup> The investigators' search for the other Non-served Individual Defendants is on-going. Furthermore, Plaintiffs have independently conducted several exhaustive internet searches, requested and received official documents from the New York State, Secretary of State and New York City Department of Consumer Affairs, and made several attempts to contact prior counsel for the some of the Non-served Individual Defendants in attempts to ascertain their current location.

It is well recognized that FRCP 4(m) and 6(b) contemplate an enlargement of time to serve defendants with a summons and complaint upon a showing of good cause. In determining whether a plaintiff has met this burden, "courts weigh the plaintiff's reasonable efforts and diligence against the prejudice to the defendant resulting from the delay." Carroll v. Certified Moving & Storage Co., No. 04 CV 4446(ARR), 2005 WL 1711184, at \*2 (E.D.N.Y. July 19, 1005). In particular, courts "should look at whether the plaintiff was diligent in making reasonable efforts to effect service. Hutchinson v. N.Y. State Correctional Officers, No. 02 Civ. 2407(CBM), 2003 WL 22056997, at \*10 (S.D.N.Y. Sept.4, 2003) (internal quotations and citations omitted). It is respectfully submitted that the extensive efforts and resources expended by Plaintiffs thus far, in attempting to locate the Non-served Individual

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<sup>2</sup> At the time counsel for defendants Ilya Tamayeff, Zoya Aminova and Amner Khaimov filed the notices of appearance, Plaintiffs had not been able to effect service upon those defendants. However, since the filing of the notices, counsel has agreed to accept service on their behalf and the parties are in the process of finalizing a stipulation in this regard.

<sup>3</sup> Plaintiffs had previously searched for Terdjanian through the Federal Bureau of Prison's Inmate Locator, but had not come up with any hits under his name or any of his aliases. In addition, Plaintiffs have not yet heard from criminal defense counsel for Vovk to determine if she is also incarcerated, but her name is not listed with the Federal Bureau of Prisons' Inmate Locator.

STERN & MONTANA, LLP

Honorable John Gleeson  
November 9, 2011  
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Defendants, as set forth above, demonstrate the requisite good cause to grant the enlargement which Plaintiffs seek. Plaintiffs have made reasonable, diligent, and ongoing efforts to locate the Non-served Individual Defendants, and since an initial conference has not yet occurred and discovery has not commenced in the matter, it is respectfully submitted that none of the defendants will be prejudiced by the requested extension. Accordingly, Plaintiffs respectfully request that the Court enlarge the time to serve the First Amended Complaint upon the Non-served Individual Defendants by forty-five (45) days, or such a period of time as the Court deems appropriate. If Plaintiffs are unable to serve the Non-served Individual Defendants within the enlargement given by the Court, Plaintiffs will file an application seeking leave to serve Defendants by substituted service via publication, as permitted under FRCP 4(e)

Thank you for your consideration in this regard.

Respectfully submitted,

Stern & Montana, LLP

By: /s/ James A. McKenney  
James A. McKenney (JM-6164)

JM

Encls.

Cc: Maria Campese Diglio, Esq. (via ECF)  
Matthew J. Conroy, Esq. (via ECF)  
Blodnick, Conroy, Fazio & Diglio, P.C.  
1325 Franklin Avenue, Suite 555  
Garden City, New York 11530

Gary Tsirelman, Esq. (via ECF)  
Law Offices of Gary Tsirelman, P.C.  
65 Jay Street, 3rd Floor  
Brooklyn, New York 11201

**Exhibit “A”**

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UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WESLEY MOISE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon ROBERT TERDJANIAN at


3000 OCEAN PARKWAY  
STE. 4L  
BROOKLYN, NY 11235

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On July 1, 2011 at 2002 Hours and I was unable to serve the defendant. At the given address is a commercial building with the defendant's name not appearing on any directory. I knocked on the door to Apt. 4L but I received no answer. I spoke to several commercial tenants who all told me the defendant is unknown.


Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to and on: July 15, 2011

  
RALPH MULLEN  
Notary Public, State of New York  
No. 01MUG38332  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN8178241  
Qualified in New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR5156780  
Qualified in New York County  
Expires December 4, 2014

  
WESLEY MOISE  
License #: 1341165  
Invoice #: 534660

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WESLEY MOISE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon GALINA VOVK at


3000 OCEAN PARKWAY  
APT. 4L  
BROOKLYN, NY 11235

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On July 1, 2011 at 2002 Hours and I was unable to serve the defendant. At the given address is an apartment building with the defendant's name not appearing on any bell, mailbox or directory. I knocked on the door to Apt. 4L but I received no answer. I spoke to several tenants who all told me the defendant is unknown.


Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to and signed: July 15, 2011

  
RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238832  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

  
WESLEY MOISE  
License #: 1341165  
Invoice #: 534700

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 618-0728

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon GRIGOL APRESYANTS at

1479 DAHILL ROAD  
#A4  
BROOKLYN, NY 11204

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On June 30, 2011 at 0743 Hours, July 5, 2011 at 2105 Hours and July 8, 2011 at 1230 Hours and I was unable to serve the defendant. At the given address is an apartment building with the defendant's name not appearing on any bell, mailbox or directory. On each attempt I knocked on the door to #A4 but I received no answer. I spoke to several tenants who all told me the defendant has moved.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: July 25, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238932  
Qualified in New York County  
Expires April 15, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN8178241  
Qualified in New York County  
Expires November 28, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

JAY MITCHELL  
License #: 1097089  
Invoice #: 634708

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ABRAHAM FRANCO BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon OLEG SIMAKOV at

118 OLYMPIA BLVD  
STATEN ISLAND, NY 10305

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On June 29, 2011 at 1038 Hours and I was unable to serve the defendant. At the given address is a storefront with two apartments in the upper floors. I knocked on the door to the apartments and I spoke to the current tenants who told me the defendant is unknown. I knocked on the door to the storefront and I spoke to an employee who told me the defendant is unknown.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: July 12, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 28, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

ABRAHAM FRANCO  
License #: 1098333  
Invoice #: 534703

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728



UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon SERGEY MEZKULA at


316 AVENUE X  
BROOKLYN, NY 11223

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On June 25, 2011 at 2143 Hours and June 6, 2011 at 0730 Hours and I was unable to serve the defendant. At the given address is a storefront named "B&S Medical Supply" with two apartments in the upper floors with the defendant's name not appearing on any bell or mailbox. On each attempt I knocked on the door to the apartment building but I received no answer. On each attempt I knocked on the door to the storefront but I received no answer. I spoke to several neighbors who all told me the defendant has moved.

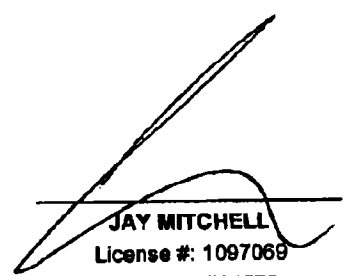
Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on July 25, 2011

  
RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238672  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6166780  
Qualified in New York County  
Expires December 4, 2014

  
JAY MITCHELL  
License #: 1097069  
Invoice #: 534579

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

D STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

Purchased May 18, 2011

AMNER KHAIMOV, ETAL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the SUMMONS AND COMPLAINT WITH EXHIBITS in the above action for personal service upon MARIFAT DAVLATKHONOVA at

2534 E. 12TH STREET  
STE. 2  
BROOKLYN, NY 11235

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

July 07, 2011 at 0720 hours and I was unable to serve the defendant. At the given address is a vacant house. I spoke to several neighbors who told me that the defendant was not known.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: July 21, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU8238832  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN8178241  
Qualified in New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR8156780  
Qualified in New York County  
Expires December 4, 2014

JAY MITCHELL  
License #: 1097069  
Invoice #: 534707

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WESLEY MOISE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS AND FIRST AMENDED COMPLAINT WITH EXHIBITS in the above action for personal service upon ROBERT TERDJANIAN at

2256 BENSON AVENUE  
APT 6A  
BROOKLYN, NY 11214

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On September 10, 2011 at 0832 Hours and I was unable to serve the defendant. I ascertained that the given address does not exist. I attempted service at 2255 Benson Ave, Brooklyn, NY 11214 on September 13, 2011 at 1712 Hours, September 15, 2011 at 0718 Hours, September 17, 2011 at 1552 Hours and September 19, 2011 at 2021 Hours and I was unable to serve the defendant. At the given address is an apartment building with the defendant's name not appearing on any bell, mailbox or directory. On each attempt I knocked on the door to Apt. 6A but I received no answer and I could not verify whether or not the defendant lived at said premises.


Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: September 23, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2015

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR8156780  
Qualified in New York County  
Expires December 4, 2014

  
**WESLEY MOISE**  
License #: 1341165  
Invoice #: 538912

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WESLEY MOISE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS AND FIRST AMENDED COMPLAINT WITH EXHIBITS in the above action for personal service upon VOVK GALINA (BABUCEA, VALENTINA) at

2256 BENSON AVENUE  
APT 6A  
BROOKLYN, NY 11214

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On September 10, 2011 at 0832 Hours and I was unable to serve the defendant. I ascertained that the given address does not exist. I attempted service at 2255 Benson Ave, Brooklyn, NY 11214 on September 13, 2011 at 1712 Hours, September 15, 2011 at 0718 Hours, September 17, 2011 at 1552 Hours and September 19, 2011 at 2021 Hours and I was unable to serve the defendant. At the given address is an apartment building with the defendant's name not appearing on any bell, mailbox or directory. On each attempt I knocked on the door to Apt. 6A but I received no answer and I could not verify whether or not the defendant lived at said premises.


Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: September 23, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 26, 2015

JONATHAN CRABER  
Notary Public, State of New York  
No. 01GF6156780  
Qualified in New York County  
Expires December 4, 2014

  
**WESLEY MOISE**  
License #: 1341165  
Invoice #: 538912

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK

Attorney: STERN & MONTANA, LLP-ATTN:  
IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WESLEY MOISE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS AND FIRST AMENDED COMPLAINT WITH EXHIBITS in the above action for personal service upon GRIGOL APRESYANTSI at

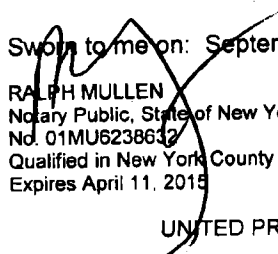
1775 E. 13TH STREET  
APT. 1E  
BROOKLYN, NY 11229

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On September 12, 2011 at 2144 Hours and I was unable to serve the defendant. At the given address is an apartment building with the defendant's name not appearing on any bell, mailbox or directory. I knocked on the door to Apt. 1E but I received no answer. I spoke to several tenants who all told me the defendant is unknown.


Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: September 16, 2011

  
RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

  
**WESLEY MOISE**  
License #: 1341165  
Invoice #: 538910

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN &amp; MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS &amp; FIRST AMENDED COMPLAINT (WITH EXHIBITS) in the above action for personal service upon OLEG SIMAKOV at

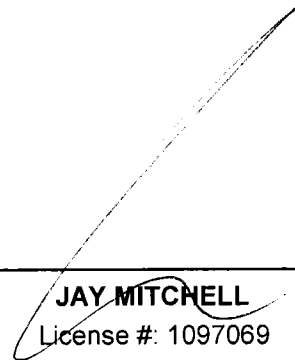
2609 AVENUE Y  
BROOKLYN, NY 11235

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On October 11, 2011 at 2153 Hours, October 12, 2011 at 0638 Hours and November 3, 2011 at 1356 Hours and I was unable to serve the defendant. At the given address is a private house with the defendant's name not appearing on any bell or mailbox. On each attempt I knocked on the door but I received no answer. I spoke to several neighbors who all told me the defendant has moved.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: November 7, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2015JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014  
JAY MITCHELL  
License #: 1097069  
Invoice #: 540912

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN &amp; MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS &amp; FIRST AMENDED COMPLAINT (WITH EXHIBITS) in the above action for personal service upon SERGEY MEZKULA at

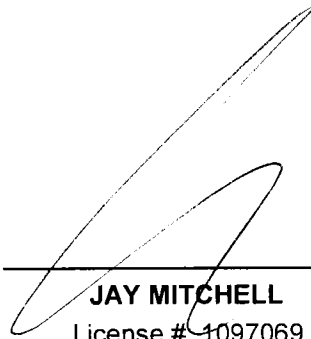
316 AVENUE X  
BROOKLYN, NY 11223

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On October 11, 2011 at 1849 Hours, October 12, 2011 at 0721 Hours and November 3, 2011 at 1439 Hours and I was unable to serve the defendant. At the given address is a multiple dwelling with the defendant's name not appearing on any bell or mailbox. On each attempt I knocked on the door but I received no answer. I spoke to several neighbors who all told me the defendant has moved.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: November 7, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2015JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014  
**JAY MITCHELL**  
License #: 1097069  
Invoice #: 540916

UNITED STATES DISTRICT COURT/EASTERN DISTRICT OF NEW YORK Attorney: STERN & MONTANA, LLP-ATTN: IRIS PINEDA

ALLSTATE INSURANCE COMPANY, ETAL

Plaintiff(s)

Index # 11-CV-2391 (JG) (JMA)

- against -

AMNER KHAIMOV, ETAL

Defendant(s)

**AFFIDAVIT OF DUE DILIGENCE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

STERN & MONTANA, LLP-ATTN: IRIS PINEDA requested that I serve a copy of the AMENDED SUMMONS & FIRST AMENDED COMPLAINT (WITH EXHIBITS) in the above action for personal service upon MARIFAT DAVLATKHONOVA at

2534 E. 12TH STREET  
STE. 2  
BROOKLYN, NY 11235

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

On October 11, 2011 at 1958 Hours, October 12, 2011 at 0658 Hours and November 3, 2011 at 1413 Hours and I was unable to serve the defendant. At the given address is a vacant dilapidated private house with the defendant's name not appearing on any bell or mailbox. On each attempt I knocked on the door but I received no answer. I spoke to several neighbors who all told me the defendant is unknown.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: November 7, 2011

RALPH MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Expires April 11, 2015

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2015

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2014

**JAY MITCHELL**  
License #: 1097069  
Invoice #: 540915